

**Remarks**

This paper responds to the final Office Action of January 17, 2007 and to the Advisory Action of July 10, 2007. Entry and reconsideration are requested.

Claims 1, 3-13, 26, 29, 32, 33 and 34 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,019,745 ("Gray") as modified by U.S. Patent 6,089,455 ("Yagita")

By this response, claims 12, 26 and 29 have been canceled.

With respect to the remaining claims, independent claims 1 and 35 are patentable over the asserted combination of Gray/Yagita combination for at least the following reasons.

Both the independent claims are directed to, in part, an ampoule recognition system including recognition elements arranged in at least two configurations different from each other, wherein each configuration comprises more than one available position for each of the recognition elements, wherein the angular distance between any two positions is different than the angular distance between any other two positions and the positions are asymmetrical relative to the ampoule.

Gray discloses a medical syringe with a data carrier means and does not disclose or suggest more than one available position for each element of the data carrier means. Yagita also fails to disclose or teach at least two configurations of recognition elements with more than one available position for each recognition element. Further, as the Examiner notes, M1 and M2 of Yagita are on opposite sides of the container, i.e., are symmetrically arranged. In contrast, independent claims 1 and 35 recite that the positions are asymmetrical relative to the ampoule.

Claims, 3-11, 13, and 32-34 depend directly or indirectly from independent claim 1 and add additional recitations. Thus, they are patentable for at least the same reasons as the independent claims.

This response is being submitted on or before July 17, 2007, along with a request for continued examination. The fee for the request should be charged to Deposit Account No. 04-

1420. A three month extension of time, extending the time to respond until July 17, 2007, was previously submitted along with the requisite fee. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required to Deposit Account No. 04-1420.

Entry, reconsideration and allowance are requested.

Respectfully submitted,

**DORSEY & WHITNEY LLP**  
**Customer Number 25763**

Date: \_\_\_\_\_

*July 16, 2007*

By: \_\_\_\_\_

*David E. Bruhn*

David E. Bruhn, Reg. No. 36,762  
(612) 340-6317